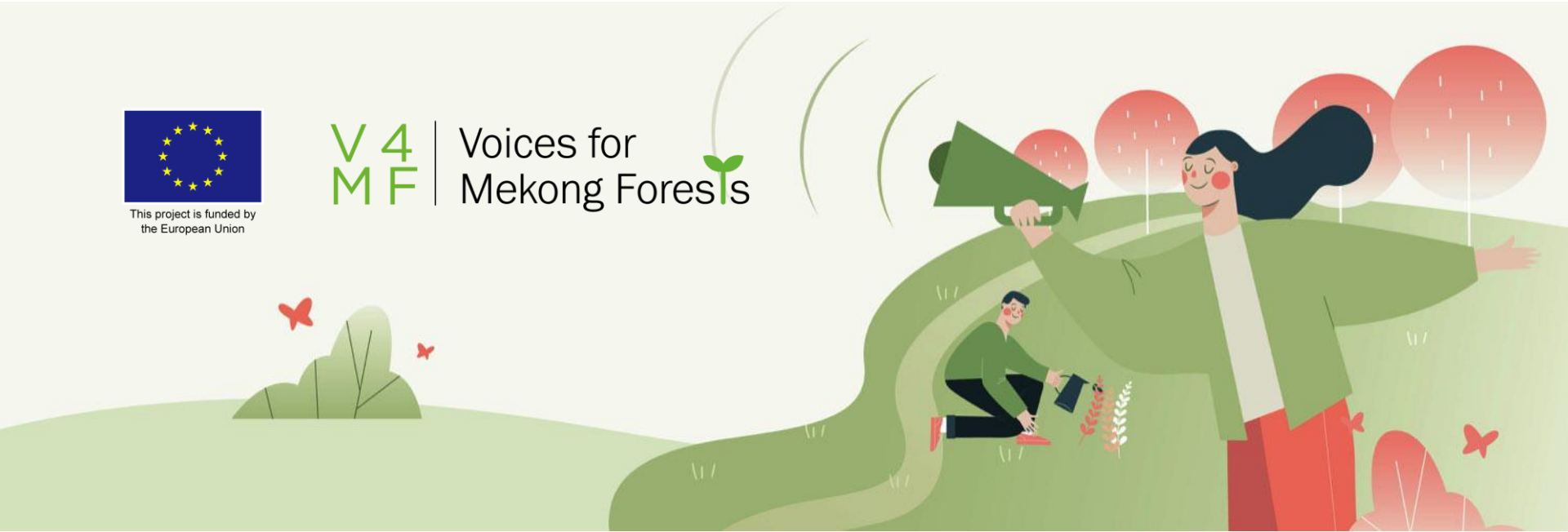




This project is funded by
the European Union

V 4
M F

Voices for
Mekong Forests 



Technical Meeting 2/2021

Annex 9: Public Disclosure of Information

30 July 2021

Main FLEGT Asia comments on Thailand's first draft of Annex IX



Section	Main comments	Answer
Section 1	Introduction: No comment	
Section 2	Legal basis on public disclosure of information of Thailand	The right to know, including access to information (RFD can provide more information)
Category 4	Since this section makes reference to the Official Information Act, 1997, there is no need to repeat the description of all the instances in which information is prohibited from disclosure. It is sufficient for the purposes of the Annex to mention only that there is information prohibited from disclosure.	Acknowledgment as informed
Section 3	How has this list of information been developed? What was the role of multi-stakeholder input in developing the list? Would be good to describe in 1 or 2 sentences.	will proceed with all the steps. This data item has been developed through consultation with stakeholders.
Section 3.1	We would suggest to only keep the headings in this section to align the level of detail with the next section on “Information on Thailand’s forest and timber sector”. The detailed information can then be described in Appendix 1, table 1.	will proceed further in this matter.
	We suggest to add “The text of this Agreement, its Annexes and any amendments”.	More explanation, want to be amended in Article (1) or added to Article (3)

Main FLEGT Asia comments on Thailand's first draft of Annex IX



Section	Main comments	Answer
Section 3.2	Information on Thailand's forest and timber sector No comment	
Section 4	We do not yet fully understand the section on the duties and powers of a State Agency to implement the Official Information Act, 1997. Kindly provide further clarification in our upcoming meeting.	Department-level government agencies must issue regulations. in order to operate properly, clearly, and in the same direction duties and powers to provide each type of information (RFD can provide more information)
	What is the procedure for accessing publicly available information (categories 1-3)? Do the four means listed (contact in person, by phone, in writing, via website) apply to all publicly available categories of information (categories 1, 2 and 3)?	It may not apply to all types. for example type 3 information that must be submitted, can't be contacted by phone or via the website etc.
	There are a few practical considerations which do not need to be specified in detail in the Annex but would be good to clarify among the SWG as these relate to the successful implementation of the Annex:	will follow your advice.
	example of the process how information can be accessed under the different categories.	Example of RFD on Information Service Standards Manual of OFFICIAL INFORMATION ACT, B.E. 2540 (RFD can provide more information)

Main FLEGT Asia comments on Thailand's first draft of Annex IX



Section	Main comments	Answer
Section 5	We would suggest to integrate this section in “4. Mechanisms by which the information can be accessed”.	will proceed further in this matter.
	We would be interested to learn more about the Official Information Board. Who sits on this Board and which agency hosts it?	<ul style="list-style-type: none">-Permanent Secretary for The Prime Minister's, Ministry of Defence, Ministry of Finance, Ministry of Foreign Affairs, Ministry of Agriculture and Cooperatives, Ministry of Commerce, Ministry of Interior-Secretary for Council of State, Civil Service Commission, National Security Council, House of Representatives.-Director Bureau of the Budget, National Intelligence Agency (RFD can provide more information)
	What happens in the event that the person requesting official information is not satisfied with the Board's decision of not providing the information?	In the case of filing an appeal and not being satisfied with the decision Able to proceed in accordance with the Administrative Practice Act B.E. 2539 by appealing to the Administrative Court

Main FLEGT Asia comments on Thailand's first draft of Annex IX



Section	Main comments	Answer
Appendix 1 Information to be made public and responsible bodies		
Table 1	RFD is currently listed as the sole responsible body to issue VPA-specific information. However, RFD and the EU are both responsible for publishing the VPA text and JIC information. As for regular reports provided by the EU, it is the EU's responsibility to publish this type of information.	will proceed further in this matter.
	The latest version of the Independent Audit Annex states that: “[Independent Audit] Reports approved by the JIC will be considered public documents and summaries must be published on the Parties’ websites.” Hence, in addition to the summary which is already listed as category 2, the full report would also need to be made public upon request (category 3).	will proceed further in this matter.
	The IA Annex states that a summary of the tender evaluation report for the IA must be made public. This would need to be add	will proceed further in this matter.

Main FLEGT Asia comments on Thailand's first draft of Annex IX



Section	Main comments	Answer
Appendix 1 Information to be made public and responsible bodies		
Table 2	<p>Do we understand correctly that any of the information listed is already in the public domain? Are the responsible bodies already issuing this information or do they need to be made aware of their responsibility to make the information publicly available?</p>	<p>The information listed, the related state agencies possess such information for disclosure. However, some information may not be disclosed in the public domain, any person can request access.</p> <p>2. The related state agencies are already aware of their responsibility to make the information publicly available as specified by law. However, in terms of public disclosure relating to FLEGT aspects, the Thai side will arrange the workshop for them.</p>
	<p>It appears that none of the information in the table is classified as category 4. Do we understand correctly that all information listed is hence publicly available or will be made available?</p>	<p>Not all correct. If any part of information in Category 2 or Category 3 is prohibited from disclosure under the Category 4, it shall be deleted, omitted or effected in such manners whatsoever so as not to disclose such part of the information. This is described in Section 2 of this annex.</p>

Main FLEGT Asia comments on Thailand's first draft of Annex IX



Section	Main comments	Answer
Appendix 1 Information to be made public and responsible bodies		
Table 2	We would be interested to learn more about how the different categories have been assigned to each type of information. Is the mechanism of disclosure spelled out in relevant legislation?	The definitions of data types are in accordance with the laws and manuals of each agency. The disclosure mechanism is classified according to the type of information specified. The third type of information is at the discretion of the government agency to disclose. (RFD can provide more information)
	Laws, regulations, guidelines, and procedures can list any international conventions and agreements. signed and ratified by Thailand applicable to a VPA	will continue to improve

Main FLEGT Asia comments on Thailand's first draft of Annex IX



Section	Main comments	Answer
Appendix 2 - Dissemination channels of relevant State agencies		
	<p>It is very helpful to see the type of information described in Appendix 2 to get a better understanding of the responsible state agencies and their contact information. However, the information is very detailed and it may be possible to describe the information instead in lower-level implementing regulations and guidelines at a later point. This would also accommodate for any changes to contact details (e.g. website links).</p>	<p>This appendix will be removed from the Annex.</p>

Main FLEGT Asia comments on Thailand's first draft of Annex IX



Section	Main comments	Answer
<p>Comparison of Annex II (LD) and Annex IX (Public Disclosure)</p> <p>Documents mentioned in the LD but missing in Annex IX</p>		
	<ul style="list-style-type: none">■ O1-1.1.1: Memorandum of understanding between RFD and FIO■ O1-5.1.1, O1-5.1.2, O1-5.1.3, O2-5.1.1, O2-5.1.2, O2-5.1.3, O5-4.1.1, O5-4.1.2, O5-4.1.3 (FIO work safety):<ul style="list-style-type: none">-Report on internal audit-Workplan on health, safety and workplace environment.-OSHE Safety manual-Record of requisition of a personal protective equipment■ O2-3.2.2, O5-2.2.1, O5-2.2.2: Self-declaration■ O4-1.1.1, O5-2.2.1, O6-2.1.1: Import entry declaration; For log and processed timber: Record of co-inspection	<p>Let discuss</p>

Main FLEGT Asia comments on Thailand's first draft of Annex IX



Section	Main comments	Answer
<p>Comparison of Annex II (LD) and Annex IX (Public Disclosure)</p> <p>Documents mentioned in the LD but missing in Annex IX</p>		
	<ul style="list-style-type: none">• O5-1.1.2: Permit on processing place to process timber from registered plantation• O5-1.2.1: Permit on establishment of processing mill• O5-1.2.2: Permit on processing timber• O5-3.1.1: Permit on operation of business hazardous to health• O5-3.2.1: Possessive License of hazardous substance• O6-1.1.1: Permit on establishment of trading place; Permit on establishment of timber product trading place• O6-1.2.1: Letter of certification for trade and export of timber, wood products and charcoal• O6-1.2.1, O6-1.2.3: Export permit (Or.2):• O6-1.2.3: Cargo Permit, Export entry declaration	<p>Let discuss</p>
<p>Are these documents publicly available, or part of a document already listed in Table 1? All key information related to verification mentioned in the LD should be included in Annex IX (grouped together under a higher-level heading).</p>		

Thank you



This project is funded by
the European Union

V4
MF

Voices for
Mekong Forests 